

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IRMA LEIBAS, <i>et al.</i>)	
)	
Plaintiffs,)	Case No. 2019 C 07592
v.)	
)	The Honorable Judge Rebecca R. Pallmeyer
THOMAS J. DART, <i>et al.</i> ,)	
)	Magistrate Judge Jeffrey Cole
Defendants.)	

PLAINTIFFS' MOTION FOR LEAVE TO FILE EXHIBIT A TO THEIR RESPONSE
(Dkt. 17) TO DEFENDANTS' MOTION TO DISMISS UNDER SEAL

NOW COME, Plaintiffs¹, by undersigned counsel, Cass Thomas Casper, Esq., and move this Honorable Court for leave to file Exhibit A to their Response to Defendants' Motion to Dismiss (Dkt. 17) *Under Seal* for the following reasons.

1. In Defendants' Motion to Dismiss, they sought to dismiss Plaintiff Donis' claims on the ground of *res judicata* for a prior settlement agreement between Donis and the Sheriff relating to *Donis v. Cook County, et al.*, Case Number 17-cv-04212. *See Dkts. 11, 12, pp.14-16.*

2. Plaintiff has responded that such settlement agreement does not preclude his instant claims both because, *inter alia*, (i) it preceded the facts underlying the instant case, and (ii) it regarded completely different facts than those present here. (Dkt. 17, p. 16). In order to assess this position, this Court, in fairness and completeness, should have a copy of the settlement agreement in its entirety.

3. An *under seal* filing is warranted and necessary because the settlement agreement states

¹Exhibit A has not been shared with any of the Plaintiffs, except for Plaintiff Donis, who is a party to it.

that it shall not be filed on the public docket and is to remain confidential. In order to abide by that agreement, but also to ensure that the Court is fully informed of the contents of the settlement agreement for purposes of the present Motion, an *under seal* filing is appropriate.

4. The proposed *under seal* filing is a six-page signed settlement agreement between Donis and Cook County / the Cook County Sheriff. Plaintiff will bring copies to the hearing on this Motion for *in camera* review pursuant to this Court's Standing Order.

5. Plaintiff submits that the instant Motion presents "good cause" for filing Exhibit A *under seal* because doing so respects the confidentiality clause of the parties' agreement.

6. As Defendants put the scope of the settlement agreement in issue by raising it in their Motion, they should not be allowed to complain about the Court considering the entirety of the Agreement, especially in an *under seal* filing as is proposed by this Motion.

WHEREFORE, for the foregoing reasons, Plaintiffs request leave to file Exhibit A to their Response to the Motion to Dismiss (Dkt. 17) *under seal*.

DATED: March 3, 2020

Respectfully submitted,

/s/ Cass T. Casper

Plaintiffs' Attorney

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CERTIFICATE OF SERVICE

The undersigned certifies that he served the foregoing document on counsel for Defendants via this Court's CM/ECF filing system, and that such counsel is a registered e-filer.

/s/ Cass T. Casper

Cass T. Casper, Esq.